



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 24 जुलाई 1971/2 शावण 1893

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-2, the 21st June, 1971

No. 13-6/71-SI.—In exercise of the powers conferred by section 34 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970), the Governor, Himachal Pradesh, proposes to make the following rules for the purpose of the said Act and the same are hereby published for the information of the general public and of persons likely to be effected thereby, as required by sub-section (3) of section 34 of the said Act and notice is hereby given that the said draft rules will be taken into consideration, after expiry of thirty days from their publication in the Rajpatra.

Objections or suggestions, if any, may be addressed to the Labour Commissioner, Government of Himachal Pradesh, Simla-1. Any objections or suggestions which may be received from any person with respect to the said draft rules before the period specified above will be considered by the Himachal Pradesh Government.

DRAFT RULES

Short title
►

1. These rules may be called the Himachal Pradesh Shops and Commercial Establishments Rules, 1971.

Definitions

2. (i) In these rules, unless there is anything repugnant in the subject or context,—

(a) "Act" means the Himachal Pradesh Shops and Commercial Establishments Act, 1969;

(b) "Chief Inspector" means the Chief Inspector of Shops and Commercial Establishments, Himachal Pradesh;

(c) "form" means a form appended to these rules;

(d) "section" means a section of the Act.

(ii) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. The employer of every establishment shall submit to the Inspector concerned a statement as required by section 13 in Form No. 1 for the Registration of the establishment and grant of registration certificate after remitting fee as prescribed in Schedule 1.

4. On receipt of the statement and fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the Register of Establishments in Form No. 2 and shall issue a registration certificate in Form No. 3 to the employer of the establishment.

Application for Registration and grant of Registration Certificate.

Manner of registering of establishment and form of Registration Certificate.

Notice of change.

Renewal of Registration Certificate.

Transfer Certificate.

5. (1) The employer shall give notice to the Inspector of the area concerned in Form 4 of any change in respect of any information contained in his statement submitted in Form No. 1 within seven days after the change has taken place together with the registration certificate.

(2) The fee for such change shall be one rupee plus the amount, if any, payable as specified in Schedule I having regard to the increase in the number of employees.

(3) On receipt of notice of change in Form No. 4 alongwith fee as provided in sub-rule 2, the Inspector shall amend the registration certificate or issue a fresh one, if necessary and send it to the employer.

6. (1) A registration certificate may be renewed by the Inspector.

(2) Every application for the renewal of registration certificate shall be in Form No. 1 prescribed under rule 3 and shall be made by 31st March, every year, and if the application is so made the premises shall be deemed to be duly certified until the Inspector renews the registration certificate.

(3) The same fee shall be charged for the renewal of registration certificate as for the grant thereof:

Provided that if the application for renewal of a registration certificate is not received within thirty days after the expiry of the date of the registration certificate, the registration certificate shall be renewed only on payment of fee 50 per cent in excess of the fee ordinarily payable for the registration.

(1) A registration certificate issued under these rules shall not be transferable and if ownership of any shop or establishment is transferred the employer shall, within fifteen days of such transfer, notify the fact of transfer and surrender the certificate of registration to the Inspector of the area and he shall submit to the Inspector a statement signed by himself specifying the name and address of the transferee.

(2) The Inspector on receipt of information required to be sent under sub-rule (1) shall cancel the certificate of registration and amend the register of establishments accordingly.

(3) The transferee shall apply for new registration certificate within thirty days from the date of transfer.

(4) The notice of closing the establishment as required under sub-section (5) of section 13 shall be given by the employer to the Inspector within whose area the establishment is situated.

8. If the employer dies or becomes insolvent, the person carrying on the business of such employer shall not be liable to any penalty under the Act for exercising the powers granted to the employer by the registration certificate during a period of 90 days to enable him to make an application for the amendment of the registration certificate under rule 5 in his own name for the un-expired portion of the original registration certificate.

9. Where a registration certificate granted under these rules is lost, destroyed or defaced a duplicate copy may be granted on payment of a fee of two rupees.

10. (1) The fees payable under these rules on account of registration, renewal, change, and loss of registration certificate, shall be paid in cash to the Inspector, Shops and Commercial Establishments of the area concerned. The Inspector shall issue receipt of fee to employer in Form No. 5 under his office seal.

(2) The fee once remitted shall under no circumstances be refunded.

(3) The amount of fees received in pursuance of sub-rule (1), shall be deposited into treasury by the Inspector during the week following the one to which the fees relate under head XXXII-Miscellaneous-Social Development Organisation-Labour and Employment-Fee raised under the Himachal Pradesh Shops and Commercial Establishment Act, 1969.

(4) The Inspector shall submit the weekly cash report along with an attested copy of the Treasury Receipt to the Chief Inspector in Form No. 6.

11. Every establishment to which this Act applies shall remain closed on every Sunday, save those situated in Cantonment Areas for which the close-day shall be every Monday.

12. (1) An intimation under clause (i) of sub-section (2) of section 10 of the Act shall be sent by the employer in Form No. 7 to the Inspector within whose local limits the establishment is situated:

Provided that such intimation need not be sent by an employer within whose establishment no employee is working.

(2) If any employer referred to under the proviso to sub-rule (1) employs in his establishment any person at any subsequent time, he shall send the intimation in Form No. 7 to the Inspector within one week of the employment of such person.

13. (1) The notice under sub-section (1) of section 20 of the Act to be exhibited by the employer in his establishment shall be in Form No. 8.

(2) The registration certificate obtained in Form No. 3, shall be displayed by the employer at a conspicuous place.

Procedure
on death
or disability
of employer

Loss of
Registration
Certificate.

Payment of
fees.

Close day.

Form of
intimation
under sec-
tion 10 of
the Act.

Form and
display of
notices
under sec-
tion 20 of
the Act.

Maintenanc-
e of regis-
ters.

14. The employer of every establishment about the business of which persons are employed shall maintain the following registers, namely:—

- (1) a register of employees in Form No. 9.
- (2) a register of wages of employees in Form No. 10.
- (3) a register of deductions in Form No. 11.
- (4) a register of leave with wages in Form No. 12.

Language,
etc.
in
which
re-
cords
and
registers
are
to be kept.

15. (1) Every register, form or record required to be maintained or furnished under the Act and these rules shall be in English or Hindi and all entries therein shall be legibly made in ink.

(2) Every such register shall be duly bound and page marked in serial number.

Preserva-
tion of
records.

16. All registers and records required to be maintained under the Act and these rules shall be preserved by the employer for a period of three years to be calculated from the date to which such record or registers relate.

Payment of
overtime.

17. The payment in respect of overtime work shall be made by the employer to an employee on the next pay day.

Utilisation
of fines
imposed
on
employees.

18. Act and omissions on the part of the employees for purposes of imposition of the fine and the manner in which the amount of fine so imposed is to be utilised as laid down in section 8 of the Payment of Wages Act, 1936, shall be approved by the Chief Inspector on an application duly made by the employer in that behalf.

Powers of
Inspector.

19. For carrying out the purposes of the Act an Inspector may—

- (i) cause to be taken a photograph of any employee or the premises of any establishment; and
- (ii) call for any information, document or record, and obtain a copy thereof or take into possession any register form, document or record maintained under the Act and these rules.
- (iii) prosecute, conduct and defend before a court any complaint and other proceedings arising under the Act or in discharge of his duties as an Inspector.

Maternity
benefit.

20. (1) The maternity benefit payable to a woman under section 30 of the Act shall be at the rate of her average daily wages earned during the three months immediately before the period of six weeks preceding the day of her delivery.

(2) The payment of maternity benefit accruing to a woman employee shall be made to her at any time not later than one week after the date of her delivery.

(3) The amount payable to a woman employee as maternity benefit in accordance with the foregoing rules shall be for the purposes of its recovery deemed to be a part of her wages illegally withheld.

Conditions
for grant of
exemption.

21. No application for the grant of an exemption under section 27 of the Act shall be entertained unless received by the Chief Inspector within one month before the date of commencement of the period in respect of which the exemption is required.

22. (1) The premises of every establishments dealing exclusively in meat, fish, dairy produce, bread, confectionery, sweets, ice-cream, cooked food, beverage, drink and refreshments shall be—

- (i) kept clean and free from accumulation of dirt and refuse;

Health

- (ii) properly ventilated so as to permit sufficient air and light into the premises;
- (iii) kept sufficiently lighted during all working hours.
- (iv) white-washed and varnished at least once in a year and notice indicating the date of last white-washing and varnishing shall be exhibited in the premises.

(2) Where the floor of the premises of an establishment is liable to become wet in the course of any manufacturing process effective means of drainage shall be provided and maintained.

(3) In every establishment which is a workshop or in which articles are produced, adapted or manufactured with a view to their use, transport or sale, adequate washing facilities shall be provided and maintained for the use of employees such as soap, towel, nail brush, etc.

(4) In every establishment in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such nature and to such an extent as is likely to be injurious or offensive to the persons working therein or any dust in substantial quantities, effective measures shall be taken to prevent, its inhalation and accumulation in the premises and if any exhaust appliance is necessary for this purpose, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity, and such point shall be enclosed so far as possible.

23. (1) Every dangerous part of a machinery in an establishment shall be securely fenced by safeguards of substantial construction which shall be kept in position while the parts of machinery they are fencing are in motion or in use.

(2) In every establishment, where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee with loose fitting clothes on shall be allowed or made to work near the moving machinery or belt and the light fitting clothes for the purpose will be provided by the employer.

24. (1) Every establishment shall be provided with adequate means of escape in the case of fire.

(2) No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

25. (1) The employer of every establishment, where smoke is produced in the course of carrying out its business, will take effective measures to exhaust out the smoke in order to safeguard the health of the persons employed in the premises.

(2) The employer of establishment where food drink and beverage is served shall ensure that his employees are free from any infectious/contagious disease. A certificate in Form No. 13 to the effect that the person is free from communicable diseases shall be obtained and produced before the Inspector on demand.

26. Any information or document required by the Inspector in his office for carrying out the purposes of the Act and these rules shall be furnished to him by the employer of every establishment within one week

Safety.

**Precautions
in case of
fire.**

Welfare

**Period for
supplying
information**

uthority
impotent
prose-

27. A prosecution under this Act shall be instituted on a complaint in writing before a court of competent jurisdiction by the Chief Inspector appointed under this Act or by an Inspector in whose jurisdiction the offence is committed.

FORM NO. 1
(See rule 3 and 6)

Statement under section 13 of Himachal Pradesh Shops and Commercial Establishments Act, 1969 for registration/renewal of establishments for the year.....

“PART 1”

(1) Name of the establishment.....

(2) Name and parentage of employer.....

(3) Name of Manager, if any.....

(4) Full postal address of the establishment.....

(5) Category of the establishment, i.e., whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.....

(6) Nature of business.....

(7) Residential address of the employer.....

(8) Names of the partners and residential address (if a partnership concern).....

(9) Date of commencement of business.....

“PART—II”

(10) Names of members of employers' family engaged in the establishment.

Relationship

Adults

Young persons

MALES

1.

2.

FEMALES

1.

2.

TOTAL

(11) No. of the employees—

(i) Young persons ..
 (ii) Other persons ..

Total ..

Relationship	Adults	Young persons
(12) Maximum No. of employees proposed to be employed during the year ..		

“PART III”

(13) Amount of fee paid ..
(14) No. and date of registration certificate (to be given in the case of renewal) ..
Registration Certificate attached ..

The above information is correct to the best of my knowledge.

Signature of the employer,
(Name and full address)

Date of declaration.....

Notes.—(1) This statement shall be sent to the Inspector with such fees as are prescribed.
 (2) This form should be filled in ink in block letters or typed.
 (3) The fee shall be calculated on the maximum No. of employees during the year.

FORM No. 2

(See rule 4)

REGISTER OF ESTABLISHMENT

PART I—Shops.

PART II—Commercial establishments.

PART III—Residential Hotels, Restaurants, Eating Houses etc.

PART IV.—Theatres and other places of public entertainments or amusements.

1. Serial No.
2. No. and date of registration.
3. Name of employer.
4. Name and address of establishment.
5. Nature of business.
No. of employees:
6. Young persons.
7. Other persons.
8. Total.
9. Maximum No. of employees for which certificate granted.
No. of members of employers' family:
10. Male.
11. Female.
12. Young person.
13. Fees paid for registration.
Renewal for the year.....
14. No. of employees.
15. Fees paid.

Renewed for the year.....

16. No. of employees.

17. Fees paid.

Renewed for the year.....

18. No. of employees.

19. Fees paid.

Renewed for the year.....

20. No. of employees.

21. Fees paid.

22. Remarks.

FORM No. 3

(See rule 4)

HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969

REGISTRATION CERTIFICATE OF ESTABLISHMENT

1. Name of the establishment.....
2. Name of the employer.....
3. Postal address of the establishment.....
4. Registration No.
5. Number of employees.....
6. Nature of business.....

It is hereby certified that the establishment as mentioned herein has been registered as a*.....under the Himachal Pradesh Shops and Commercial Establishments Act, 1969 this..... day of.....

Inspector,
Shops and Commercial Establishments.

*Here insert the category of the establishment.

RENEWALS

Date of renewal	For the year	Signature of the Inspector of Shops and Commercial Establishments with seal
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		
7.		

FORM NO. 4

(See rule 5)

FORM OF CHANGE IN RESPECT OF INFORMATION CONTAINED IN STATEMENT
REQUIRED BY SUB-SECTION (4) OF SECTION 13 OF THE
HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969.

To
The Inspector of Shops and Commercial Establishments,
Circle.....

I hereby notify that the following change(s) has/have with effect from.....
.....(date) taken place in respect of the information relating to my
establishment as supplied by me in my statement, dated.....

My registration certificate number is..... dated.....
(Here mention the change).

.....
.....
.....

Dated..... *Signature of the employer.*

Note.—(1) The change is required under sub-section (4) of section 13 of the
Himachal Pradesh Shops and Commercial Establishments Act,
1969 to be notified by the employer within seven days after the
change has taken place.

(2) Notice of change in this form shall be sent together with fees as
per sub-rule (2) of rule 5.

FORM NO. 5
[(See rule 10(1)]

HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969
RECEIPT

No..... Dated..... 19 .

Received from..... with Form No....., dated
..... 19 , the sum of rupees..... in cash on account
of fee for..... as required under the
Himachal Pradesh Shops and Commercial Establishments Rules, 1971.

Total Rs..... *(Signature)*
Inspector,
Shops and Commercial Establishments,
Circle.

Note.—Form No. 5 shall be bound in Receipt Book. Each serial number
shall be maintained in triplicate. Original receipt shall be issued to the
employer, duplicate be sent to the Chief Inspector with weekly cash report
and triplicate shall be retained by the Inspector.

FORM NO. 6
[See rule 10(4)]

HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS RULES, 1971
WEEKLY CASH REPORT

Circle.....

Name of Inspector.

1. Fees collected during the week ending..... No.....
2. Date of deposit.
3. Treasury receipt number.

- (1) Date.
- (2) Name and address of employer.
- (3) Nature of Business.
- (4) Maximum No. of employees.
- (5) Details of fee.
- (6) Fees charged.
- (7) Receipt No.
- (8) Remarks.

(Signature of Inspector)
Seal.

Note.—This form shall be bound in the shape of register in duplicate. Original shall be sent to the Chief Inspector and duplicate retained by the Inspector.

FORM NO. 7
(See rule 12)

INTIMATION UNDER SECTION 10(2)(i) OF THE HIMACHAL PRADESH SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969

Registration No.....

To

The Inspector of
Shops and Commercial Establishments,
Circle.....

I hereby furnish the following information which is correct to the best of my knowledge.

The working hours and the period of interval of the persons employed in my establishment are fixed below and shall take effect from.....(date).

Name of the employee and father's name	Working Hours		Interval for Rest	
	From 1	To 2	From 3	To 4

Young persons

- 1.
- 2.
- 3.
- 4.

1 2 3 4 5

Other persons -

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Sd/-

*Name and parentage of employer
(with full address)*

Dated

FORM No. 8
(See rule 13)

NOTICE TO BE EXHIBITED UNDER SECTION 20(1) OF THE HIMACHAL PRADESH
SHOPS AND COMMERCIAL ESTABLISHMENTS ACT, 1969

Year.....

1. Close-day, if any.
2. Opening hour of the establishment.....
3. Closing hour of the establishment
4. Name and parentage of the employer.....
5. Full postal address of the establishment.....
6. Name of the establishment
7. Nature of business.....
8. Names of employers' family engaged in the establishment:

<i>Relation- ship</i>	<i>Adults</i>	<i>Young persons</i>
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(1) Males:

- (i) ..
- (ii) ..
- (iii) ..

(2) Females:

- (i) ..
- (ii) ..
- (iii) ..

TOTAL ..

9. Name of the employees and father's name	Working hours		Interval for rest		Weekly off day
	From	To	From	To	
(1) Young persons:					
(i)					
(ii)					
(iii)					
(iv)					
(2) Other persons:					
(i)					
(ii)					
(iii)					
(iv)					
(v)					
(vi)					
(vii)					

Registration No.

Date of declaration.

Signature of employer.
(Name and full address)

Note.—“Family” in relation to employer means—

- (i) spouse;
- (ii) children and step-children; and
- (iii) parents, sisters and brothers, if residing with and wholly dependent upon him.

FORM No. 9

(See Rule 14)

Register of employers

Name of establishment..... Year and month.....
 Name of employee..... Father's/Husband's name.....
 Age..... Nature of work.....
 Whether employed on daily, monthly, contract or piece rate wages with rate..... Date of appointment.....

Spread over—

1. Date.
2. From.
3. To.
4. Total.

Intervals for rest and meals—

5. From.
6. To.
7. Total.

8. Total working hours

Over time:

9. From.
10. To.
11. Total.
12. Remuneration due.

Leave:

13. Duration.
14. Date of application.
15. Date of grant.
16. Remarks.

Signature of—

17. Employer.
18. Employees.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.
- 26.
- 27.
- 28.
- 29.
- 30.
- 31.

1. Total hours of over time employment during the month.....
2. Leave availed during the month.....

Note.— If any employee has worked with a previous employer, the hours worked with him may be shown in the "Remarks" column.

FORM No. 10.
(See Rule 14)
REGISTER OF WAGES OF EMPLOYEES

Name of employee..... Month..... Year..... Wages fixed.....

Arrears from last month wages due	Deductions as shown in register in Form No. 11	Advances made on (date)	Payment made ,	Signature of employee	Signature of employer

Wages earned during the
month: Ordinary.....
Overtime.....

Total balance
carried over.....

2
Remarks.

Form No. II.

(See Rule 14)

REGISTER OF DEDUCTION

Name of establishment..... Year..... Acts and omissions approved by the authorities.

S. No.	Name of employee	Per cent	Wage period	Wages payable	Amount deducted	Fault for which deduction made	Date of deduction	Whether employee showed cause against deduction	Amount of deduction	Date of utilisation and purpose for which deduction utilised	Balance with the employer	Signature of employer	Signature of employee	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

FORM NO. 12

(See Rule 14)

REGISTER OF LEAVE WITH WAGES

Leave due 1	Date of application 2	No. of days applied for 3	Leave availed 4	Balance 5	Remarks 6

FORM NO. 13

[See rule 25(2) of *Himachal Pradesh Shops and Commercial Establishments Rules, 1971*].

I hereby certify that Shri/Smt..... son of/daughter of..... age..... resident of..... District..... has been thoroughly examined by me and is considered to be free from any communicable diseases and is fit for being employed, where food, drink and beverage is served to customers.

Mark of identification
Signature or Thumb-Impression of the person examined.

Signature and the designation of the competent medical authority.

Dated.....

SCHEDULE-I

(See rule 3 and 6)

Sl. No.	Category of establishment	Fee for Registration/ renewal
1.	Establishments employing no persons	Rs. 5.00
2.	Establishments employing upto two persons	Rs. 7.00
3.	Establishments employing more than two but less than five persons.	Rs. 10.00
4.	Establishments employing five and upto 10 persons	Rs. 20.00
5.	Establishments employing more than ten persons	Rs. 30.00

By order,
P. K. MATTOO,
Secretary.

LOCAL SELF GOVERNMENT DEPARTMENT

NOTIFICATION

Simla-2, the 19th July, 1971

No. 7-17/67-LSG.—In exercise of the powers conferred by sections 4 and 5 of the Himachal Pradesh Municipal Act, 1968 (Act No. 39 of 1968), and in supersession of this Department notification of even number, dated the 6th December, 1969, the Governor, Himachal Pradesh is pleased to propose to include areas comprising Khasra Nos. 425, 426, 429 to 457, 465, 500, 501, 508 to 511, 572 to 594, 608 to 614 and 626 of village Ujain, Tika Huler Kalan within the limits of Municipality of Kangra, District Kangra and proposes to exclude the areas comprising Khasra Nos. 298 to 307, 340 to 342, 345 to 359, 385 to 398, 427, 658 m.n. abadi, Tika of village Ujain, Tika Hale Kalan and Khasra Nos. 73 to 84, 87, 88, 98 to 109, 143 to 149 m.n. 150 to 170, 179 to 181 of village Ujain, Tika Huler Khurd from the limits of the Municipality of Kangra, District Kangra, Himachal Pradesh.

2. Any inhabitant of the said areas who desires to object to the proposal, should submit his objections in writing to the Secretary Local Self Government, Himachal Pradesh through the Deputy Commissioner, Kangra district, at Dharamsala within six weeks from the date of publication of this notification in Himachal Pradesh Rajpatra. The objections, if any, received within the prescribed period, will be duly considered by the Government, before finalising the proposal.

By order,

C. M. CHATURVEDI,
Secretary.

ELECTION DEPARTMENT

NOTIFICATION

Simla-2, the 21st July, 1971

No. 6-4/69-Elec.—The Election Commission of India's notification No. 56/71-XVIII, dated the 13th July, 1971 is hereby republished in the Himachal Pradesh Extraordinary Gazette for general information.

By order,

U. N. SHARMA,
Chief Electoral Officer,
Himachal Pradesh.

ELECTION COMMISSION OF INDIA

NOTIFICATION

New Delhi, the 13th July, 1971/Asadha 22, 1893 (Saka)

No. S.O.....—In pursuance of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968 the Election Commission hereby makes the following amendment in its notification No. 56/71-II, dated the 25th January, 1971, published in the extraordianry issue of the Gazette of India, part II, section 3 (ii), dated the 27th January, 1971, namely:—

(i) In Table 2, below the entry "Goa, Daman and Diu" the following entry shall be inserted:

“Manipur Manipur People’s Party Bicycle”.

(ii) In Table 3, against the entry “21. Manipur”, the item “(1) Bicycle” shall be deleted and the following items appropriately renumbered.

—
(No. 56/71-XVIII).

By order,
K. S. RAJAGOPALAN,
Secretary
to the Election Commission of India.